

Town of Leeds

Agenda Town of Leeds Planning Commission Wednesday, April 6, 2022

PUBLIC NOTICE is hereby given that the Town of Leeds Planning Commission **PUBLIC MEETING** scheduled for Wednesday, April 6, 2022 at 7:00 P.M. This meeting will be held at Leeds Town Hall, 218 N. Main Street, Leeds, UT 84746.

If you are interested in participating remotely via Zoom, please contact Town Hall at 879-2447 or email Clerk@LeedsTown.org for the Zoom details.

Regular Meeting 7:00 p.m.

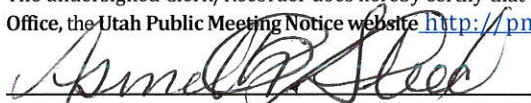
1. Call to Order/Roll Call
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda:
 - a. Tonight's Agenda
 - b. Meeting Minutes of 03/02/2022
 - c. Joint Town Council and Planning Commission Work Meeting Minutes of 02/23/2022
6. Announcements:
 - a. Easter Egg Hunt, Saturday, April 16, 2022, at 9am in Town Park, Ages 0-10
7. Public Hearing:
 - a. Zone Change Request on Parcel L-4042-A, from Open Space (OS) to Commercial (C); L-4042-A from Mixed Use (MU) to Commercial (C) approximately 10.01 acres, for Kennedy Family Ventures LLC.
8. Action Items:
 - a. Discussion and Possible Action regarding Zone Change Request on Parcel L-4042-A, from Open Space (OS) to Commercial (C); L-4042-A from Mixed Use (MU) to Commercial (C) approximately 10.01 acres, for Kennedy Family Ventures LLC.
 - b. Discussion and Possible Action on signs for pies and bread.
9. Discussion Items:
 - a. Discussion regarding 211 North Main Street
 - b. Discussion regarding Corner Property North of Vista Avenue with Brian Hansen
 - c. Discussion regarding Building permit process and adjustments, clarifications, and wording
10. Staff Reports
11. Adjournment

The Town of Leeds will make reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Leeds Town Hall at 879-2447 at *least* 24 hours prior to the meeting.

The Town of Leeds is an equal opportunity provider and employer.

Certificate of Posting.

The undersigned Clerk/Recorder does hereby certify that the above notice was posted April 4, 2022, at these public places being **Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmmutah.gov> and the Town of Leeds website www.leadstown.org**



Aseneth Steed, Clerk/Recorder

Town of Leeds

Planning Commission Meeting for Wednesday, April 6, 2022

1. Call to order:
Chairman Swenson called to order the regular meeting of the Planning Commission at 7 PM on Wednesday, April 6, 2022. Commissioner Rosenthal attending on Zoom.

ROLL CALL:

	Present	Absent
CHAIRMAN: DANNY SWENSON	<u>X</u>	_____
COMMISSIONER: ALAN ROBERTS	<u>X</u>	_____
COMMISSIONER: KEN HADLEY	<u>X</u>	_____
COMMISSIONER: TOM DARTON	_____	<u>X</u>
COMMISSIONER: MARK ROSENTHAL	<u>X</u>	_____

2. Invocation: Chairman Swenson
3. Pledge of Allegiance:
4. Declaration of Abstentions or Conflicts: None
5. a. Tonight's Agenda
6. b. Meeting Minutes of 03/02/2022
7. c. Joint Town Council and Planning Commission Work Meeting Minutes of 02/23/2022

Commissioner Rosenthal moved to approve tonight's agenda. 2nd by Commissioner Robert. All voted. Motion passed.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	<u>X</u>	_____	_____	_____
COMMISSIONER: ALAN ROBERTS	<u>X</u>	_____	_____	_____
COMMISSIONER: KEN HADLEY	<u>X</u>	_____	_____	_____
COMMISSIONER: TOM DARTON	_____	_____	_____	<u>X</u>
COMMISSIONER: MARK ROSENTHAL	<u>X</u>	_____	_____	_____

Chairman Swenson moved to approve Meeting Minutes of March 2, 2022, and Joint Town Council and Planning Commission Work Meeting Minutes. 2nd by Commissioner Hadley. Motion Passed in Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	<u>X</u>	_____	_____	_____

COMMISSIONER: ALAN ROBERTS
COMMISSIONER: KEN HADLEY
COMMISSIONER: TOM DARTON
COMMISSIONER: MARK ROSENTHAL

<u>X</u>	—	—	—
<u>X</u>	—	—	—
—	—	—	<u>X</u>
<u>X</u>	—	—	—

8. Announcements:

- a. Easter Egg Hunt, Saturday, April 16, 2022, at 9am in Town Park, Ages 0-10

9. Public Hearing:

- a. Zone Change Request on Parcel L-4042-A, from Open Space (OS) to Commercial (C); L-4042-A from Mixed Use (MU) to Commercial (C) approximately 10.01 acres, for Kennedy Family Ventures LLC.

Aaron Edgley: I am with NAI Excel Commercial Real Estate Services. I represent the seller, who is the agent in our facility. He is given me permission to speak in their behalf, they are all in favor of what Dan is trying to do for storage facility. My belief is that your property rights, you know, the seller has a right to make the most out of his property and sell it. Going through this process of its own change makes it more valuable for people like them to make it what they want. So that's our official stance.

Chairman Swenson: The intent is to sell it and with the zone change it will be more valuable. Commissioners have any questions for this gentleman?

Commissioner Roberts: My question is for Scott. I'm a little bit confused, because this initially was three parcels. Now the county has them recorded under one parcel number. I could not find the documents that combine these three parcels. I'm not opposed to it. I think it was the right idea, especially because one parcel had the potential of being landlocked. But I could not find a document that petition the town to merge those parcels. My concern is, when you combined multiple properties under one parcel number, there really is two different zones. When you combine them, which zone is it? I don't know. There's some confusion that I'm not fully understanding. How did that get combined under one parcel?

Scott Messel: What has happened recently with state code is when parcels are split, whether it's in the two or 200, it has to go through the subdivision process by state and town code. When you're combining parcels, it does not require that. If it's an interior lot line without utilities, easements, and such, or combining parcels, it can be recorded at the recorder's office. Some jurisdictions and even in my role at the count I've been upset at the recorder's office. Why did you combine this, we didn't know about it, or why have you split it? It's not legal. Just because something has been recorded at the recorder's office doesn't mean that it meets the zoning requirements. They would still have to go through and adjust. There are times that people may combine parcels or adjust lot lines, and then they don't meet the minimum lot size requirement of the zone. That's a risk they take when they record something and then come in later wanting to develop it if it's not in compliance. It is tricky when you have multiple zones that end up being in one parcel. Some jurisdictions will, let's say it's commercial and residential,

the developer could either come in and request a zoning change for all of it, or they could get creative and present to the town council or planning commission a project that incorporated both zones. I've seen it done several different ways. But when there's not a legal description tied to this the zoning that's there, it's hard to know exactly where that line is. I don't know if I answered your question.

Commissioner Roberts: You did. From the town's perspective it's all under one parcel number. Now, what is the zoning of that parcel number? That's where it becomes an issue because they were both different. They were significantly different.

Scott Messel: There's a big difference between open space and mixed use. One thing in regard to this one is that Mixed Use zone was repealed even though there was property that had received mixed use zoning designation is with that repealed and nothing was grandfathered as far as type of development that went in. So in my opinion, to be able to do anything with it, they need to come in and request a zone that the town council and Planning Commission feels appropriate for the for the area and for the town. And before they do any development of it.

Chairman Swenson: That is two different things. We're just addressing the zoning change for now.

Commissioner Roberts: That is my biggest question was just the parcel got established.

Commissioner Rosenthal (Zoom) asked if the purpose for the zone change request was for the intent to sell the property. Chairman Swenson answered yes.

Scott Messel: I have a recommendation for the Planning Commission. I don't mean to be out of line but because of the number of individuals here, I would recommend the planning commission open the public hearing, take public comment, and then close public hearing. Then address the issues at the end, so that it's not a back and forth, and then all the questions can be answered at the end.

Chairman Swenson: Great advice. You've heard the statement, basically, we're looking at this point in time just for his zone change, not to discuss what's going to be on the property or anything. The individual wants to change it to sell it. That's really the extent of this discussion right now. So, if there's anybody that's got any questions right now, would like to come forward, come forward and state your name?

Commissioner Roberts Made a motion to open the Public Hearing to discuss the zone change request for Parcel L-4042-A from Open Space (OS) to Commercial (C); L-4042-A from Mixed Use (MU) to Commercial (C) approximately 10.01 acres, for Kennedy Family Ventures LLC. Commissioner Hadley seconded the motion. No Roll Call Vote.

Chairman Swenson: Very good. So that's what we'll open up right now. Let's try to keep the comments. I want you to have your discussion, we don't have tons of people. But, you know, give us what you want. And we'll go from there.

Lynn Potter. And I questioned whether or not we need to have this meeting for this purpose. Okay, because Alan, you remember that meeting from 2016 When they got rid of the mixed use. Okay, because I've been through the minutes. All right. And I think is my understanding everything reverted back to, you know, the commercial that it was.

Commissioner Roberts: It was not commercial and never was commercial. The mixed use went away, like you said.

Commissioner Roberts: It was not commercial and never was commercial. The mixed use went away, like you said. If it reverted back to what it was originally, but it doesn't revert back, it would have been open space. It was open space when it was annexed into the town of Leeds. It came from open space and was annexed in as mixed use at the time that but that portion that shows up there in pink under an MU, that portion was annexed in as mixed use.

Lynn Potter: My understanding of what the open space is, it's considered an overlay.

Commissioner Roberts: No. that is not true.

Lynn Potter: Next question. The state passed a law in '17 Saying that, anytime some ordinance that was in zoning that was passed as a temporary ordinance It only had a six-month life. If you look at the open space ordinance, it says in the intro. Okay, that was a temporary ordinance that basically, according to state law, disappeared about three or four years ago. So right now, it should all be mixed use or whatever. Because, I mean, I think they've got a case to stand on because that and so we because the town hasn't kept up with these ordinances. I know it's difficult. It takes a big staff. But I think I've muddied in the water enough.

Chairman Swenson: You understand it did go for mixed use that went away to open space. Part of it was open space. I'm not familiar with the temporary ruling that you're saying open space, but right now, it's basically designated open space since we don't have Mixed Use.

Scott Messel: Yes. It's similar to the Jared Westhoff property just south of town, as an example. That project was back in the 70's, long for Jared West. It came in and received PD approval for a trailer park or manufactured home park. At that zoning, the PD zone was there but, it's been 50 years since that zone was assigned to it. No development happened on it. Jared Westhoff came in. Yes, it's still zoned PD. PD codes have changed. He had to come in and propose a new zone to Washington County because it's in unincorporated. The zoning was still there, even though ordinances had changed, there was no trailer park ordinance anymore. So, he just had to come in request something new. This would be similar. MU was assigned to it. Nothing has changed, but because someone wants to develop it, now is the time to clean up and make those corrections.

Lynn Potter: Well, other point is a personal point. I know on Facebook, there's a lot of people that are against this, because they don't want the business there. And they're afraid of crowding. But the truth is, people have a right to do with their property as they want. Commercialism is a good thing. And what you do to mitigate that, is you just ask the developer to widen the road, if that's your really main argument, ask him to make it you know, a six-lane road, you can mitigate all kinds of things on the developer. But you just shouldn't say no. Thank you.

Troy Stoker: I and my wife Lorrie here. We own Leeds storage across the street from this, and I have no problem with competition and stuff like that. But I talked to the mayor, and we put a water line in across the freeway out to the gate. That cost \$90,000. And, in a lot of ways, I'd like to be reimbursed on some of that cost if he hooked onto the water. The city made us do it. Like the guy was saying, the cost improvements. I think adding on to the cemetery is really a good idea too you know. If you do the math \$1,000 plot 2000 plots per acre. For \$500,000 it would still be a bargain.

Chairman Swenson: Right now, we are just talking about changing the zone.

Tory Stoker: Anyways, when we had our two different addition, we changed the lot lines, and we came to the city and did that. So, like, you were saying, how do you combine all those into one, you know? So, anyways.

Karen Blankenship: I live in the Silver Valley. I am concerned about the congestion. I know that gentleman mentioned you could widen the roads. We need sidewalks. It's our only way in and out. You put any kind of zoning for commercial, you're adding traffic, you're adding more people. I am concerned because we had a big fire and almost burned my house down. There's only one way out of there. You know, there's big vehicles that come in and out for businesses. I own a business, I know. They can get broken down they can get stuck. They can block us. Right now, it's a neighborhood. It's not a Commercial Park. I understand people are greedy and want money. But before you buy it, do your due diligence, see what it's zoned for. You know, if it's not zoned for commercial, then you shouldn't have bought it. You're just trying to make money off of it. I just think it compromises the people that live in the valley, for the sake of somebody trying to make a buck. I just disapprove.

Larry Bruley: Depending on the usage, I one of the problems I'd see right away is ingress and egress to the freeway. You had you have one southbound on ramp. That's it. The other thing I remember probably, my memory is not fantastic, but I think it was probably at least a year and a half ago, I remember being in here and there was a discussion about this property. And the term wetland came up. And I'm just wondering what happened with that? I was under the impression that you couldn't do anything with that except put some horses on it. Those are my two questions.

Chairman Swenson: The discussion has been brought up in the last 10 years that I know of two or three other times for something similar. The wetlands designation has been talked about. We haven't been able to validate that. We haven't had a need to. Everything has

kind of stopped. We put it on the owners to find out from the federal government if there are truly wetlands there? That would limit what you would want to do.

Angela Rohr: I agree with Karen Blankenship's comment about the egress, getting out of silver Valley for all of the residents. There are quite a few homes over there. The road very narrow. The cemetery road bridge is not in real good shape. you can't take a semi-truck around it very easily. So, there's a lot of lot of considerations in making those two pieces into commercial property, but it has been considered before. There's not a whole lot of good things to be done with that maybe planting an orchard or something. It isn't wet all the time. But there are times when there is water drainage.

Chairman Swenson: To answer your question about wetland, wetlands and water are two completely different things. Two different designations. Wetlands is a federal agency designation. Wetlands is a federal wildlife designation. Water runoff is different.

Angela Rohr: Some of the Angell Springs water does come through there.

Chairman Swenson: I can Appreciate the discussion about the access road. You may not know I was a firefighter, 37 years down in LA. Every summer fires would go there and in the Malibu area. One way in one way out. I do appreciate that. Of course, the discussion over the years was okay, what do we need to do to widen the road? What do we need to do to do something with the road? In the construction phase or who wants to, put anything on there, even if it's left as a park that could be addressed to put in another lane of road or whatever the case may be. That can be mitigated. I appreciate that comment, and I understand it too.

Scott Messel: Both Cemetery Road and Hidden Valley Road, well the thing that's interesting on Hidden Valley Road is that the road is there, but the road hasn't been dedicated. The more rectangle piece on the Hidden Valley Road; that's in the unincorporated area. There is grapes and a vineyard going in there. The property owner is looking at developing that more with a zone of agritourism. The vineyard might have a tasting room there. That is in the process at the county. The County is requiring that the road be dedicated. So, coming off of Cemetery Road, heading down in front of that property, the right of way would have to be dedicated to the county and I imagine the county would want the same thing on Hidden Valley Road for this project, on the Hidden Valley Road, and any improvements that the county public works would want on Cemetery Road.

Don Fawson: As far as wetlands is concerned, obviously the federal government representative would come out and make that determination. It's not impossible to mitigate that they can transfer that to other locations and those kinds of things. I'm just wondering, you know, we have that underpass there on Hidden Valley Road coming up to Center Street. And there were some interesting things that happen when that was abandoned. But my question is, is could that be reopened?

Chairman Swenson: That is in private property.

Don Fawson: I question even whether it was or not. But also, there is something called eminent domain that could be applied there. I don't know. I'm not suggesting that happen. I'm asking the question, because at the time, one of the things they said was, well, you can't get a firetruck through there. That wasn't true. We had driven them through there a number of times. And I think that that would be a secondary ingress egress?

Chairman Swenson: Well, at least for the first half quarter mile. There's still only one from the valley to that point, I understand. I think it is private property on the other side on the east side of that drive thru.

Don Fawson: I don't know exactly how that happened. I know that the individuals that owned that property at the time asked to have that blocked off. Once it was blocked off, somehow it became like it was private property.

Chairman Swenson: I imagine the underpass isn't private property, because that's under the state highway, but the access to it. Of course? There should be an easement if it's a classified access.

Tony Hundle: I'm also a resident of the Hidden Valley area. And I had a quick question I'll add to the ones who spoke. I too would object to that development of zoning and change to commercial? I did have a question. I'm not sure where the city of Leeds property ends. But that's the lot that's marked open space, the property between the cemetery and the open space. Is that part of the city Leeds?

Commissioner Roberts: It is.

Tony Hundle: There is a property between the cemetery and the space and discussion that is also County. Now there's somebody, a developer, that's been dumping all kinds of dirt in there. If that's a wetlands, I've always been concerned about the drainage being affected by all that dumping.

Chairman Swenson: I will tell you the wetlands that were designated years ago was along the freeway not the middle part. It was just partial on the freeway, almost that light colored section there was being considered the wetlands. It is a natural drainage. There's a lot of water coming down that road. I do not know what their plan is.

Tony Hundle: Is that something we will have to take up with the county?

Chairman Swenson: Yes.

Shawn Bain: I am a resident of Hidden Valley, and I am also the watermaster there. Right above that is our water system, we have two springs right there. We are wasting 9 million gallons of water that we don't use just comes right down that valley. A wetland right there, it sure would be nice to make a lake and save that water for all our use in some way somehow if possible.

Chairman Swenson: Why are you wasting it? You cannot capture it? You don't have a storage tank?

Shawn Bain: We use nine million gallons, and we waste nine million gallons. It sure would be nice to save all that wasted water. I mean, it does get back to the aquifer, but it would be nice to have a lake there or something like that.

Chairman Swenson: I suggest the water company to buy the property.

Karen Blankenship: Yeah, I wish we had the money.

Chairman Swenson: Of course, that's the thing, it is not easy to say, I am just talking and thinking out loud not as an official, but is it easy to tell a property owner that you can't do this, you can't do that? Maybe they have owned that property for who knows how long, and, you say we want you to sit on it and just plant grass on it? I would like the horses and grass and have it a park too. I would like a lot of that. But the property owner has the right to try to make money on his property, just like anybody else. We make money and when we buy a house, we hope that it goes up and we make money. We can't keep it small. I understand both sides. Just so you know. That is the dilemma that we have. Where do we put the commercial property? We've got commercial property right across the street. That is okay, but then across the street from it is not, okay? That is why we've got you here and all our comments count. Thank you.

Bill Hoster: For the record, could you guys identify what classifies as commercial? What could go there, we've got someone who wants to buy it now and may put in something that we've been told about how could that possibly be if we end up going commercial?

Commissioner Roberts: Scott will you address that? There is quit a list, Mayor.

Scott Messel: It's something that I was going to bring up after the public hearing.

Commissioner Roberts: maybe that might be the better place to bring it up because keep in mind public hearing is for the public to express their concerns. And then we will have our discussion.

Chairman Swenson: I know you'll get into it. We have designated approved uses that are pre-approved. If somebody wants to put it in there and it's classified under that zone, then great. You can't list all the different properties use for commercial that somebody might want. And so, if it's not pre-approved, then you come in you submit a "I'd like to do this with it or that with it," and we go accordingly. It's really open to a lot of things. Okay, so while he's looking at that anybody else want to come up. Now is definitely the time and everybody's opinion is worth the same. There isn't a dumb one.

Karen Blankenship: Is there a way to make sure that road would be widened, and sidewalks can be built? It's very dangerous.

Chairman Swenson: of course. We need you to come up here other wise we do not get it on the minutes.

Karen Blankenship: So, I have a commercial business I have semitrucks come in every day. They're big. Some of them have to make a U-turn through my parking lot. I have to have a lot of space just for the truck to get in. So how are you going to address something like that on this little, tiny road?

Chairman Swenson: Well, let me tell you what, what did happen. One gentleman who came in who is interested in putting a facility there automatically brought that up and said, hey, we need to widen the road, we need put another lane for our access to that coming into that. We don't want to impinge on the traffic. So that was brought up by somebody who's looking at purchasing it.

Karen Blankenship: They can widen the bridge over the freeway as well?

Chairman Swenson: We cannot widen the bridge.

Karen Blankenship: Have you ever tried to come around that corner when other cars come in this way? It's almost heads up, especially if it's like an RV. I can imagine. It's dangerous right there. And especially if it's raining or icy. I've seen cars slide off right there. You're going to have cars going up and down Main Street to get to it. So, depending on what kind of businesses you just increased on your track, that Main Street, So just a concern.

Chairman Swenson: The one gentleman, in fact, it's been mentioned before by the last person that wanted to put a resort, RV, and Glamping tents, that kind of thing, he thought of that same thing with trailers and things coming in, wanted to widen it put an extra lane in. And fortunately, it's the access most everybody looks at is up towards the cemetery away from the bridge. So, it's not right on the turn. That's something to address. So good point.

Karen Blankenship: I understand people wanting profit off their land. But if you buy it and it's zoned a certain way, you're taking a chance that you know, that's how you're going to have to sell it when you want to sell it. It's not really fair to buy something and then expect the whole neighborhood to accept it.

Chairman Swenson: I would say partially true because zoning changes all the time. But I'm not taking away anything from your validity.

Commissioner Roberts made a motion to close the Public Hearing. Commissioner Hadley Seconded the motion. No Roll Call Vote.

Scott Messel: When a property is zoned a certain designation, it's not just what the property owner or the future property owner has in mind, it's anything that is a permitted or conditional use in that zone may be able to be constructed or built on that. On the town's

commercial zone has permitted and conditional uses. They would not have to go through any additional approval other than site plan.

Scott read permitted uses from Land and Zoning chapter 14.

I can address the questions brought up about roads and concerns about drainage and such. Really, it's just a low spot. It's where the drainage is and there's times when it's been full of water from all the drainage. Storm drainage runoff, and then just the natural flow would all have to be addressed. If the zone change was approved and the property was developed, I'm sure they don't want they're proposing to be in the water. If the property was rezoned, all of that would have to be mitigated for the site to be developed. And it would have to be addressed through the site plan. I'll be happy to answer any questions Planning Commission has.

Commissioner Hadley: What kind of federal regulations are there?

Scott Messel: All of that would need to be addressed. You have FEMA floodplain. I know it's not in the floodplain, but it is a lower area. Their engineer, and specialists would have to look at all that and address it.

Chairman Swenson: There's a difference between the floodplain and wetland. So, wetlands are a federal designation for wildlife. You know, could be a salamander could be whatever so wetlands have to be addressed. If it really is wetlands, you're not going to be building on the wetlands.

Don Fawson: We have a school we developed in wetlands. An inspector come down and was looking for three things. You're looking for plants that didn't have a wetlands, they were looking for the salts in the soil. And they were looking for the water table. Those three things.

Chairman Swenson: If it's designated, that's one thing, if it's not designated floodplain, which can be mitigated much easier, you know, culverts or whatever. So very good, thank you. So, there is a definite distinction, whoever wants to develop, it would have to validate there's not wetlands, that's for sure.

Commissioner Roberts: This is one of the challenges that people need to process. There's a difference between looking at a zone change, and what somebody's wanting to do with the property. Now this applicant is going to come up and speak to what he wants to do with the property. That property is allowed specifically what Scott read off for a commercial zone. That's what's allowed in a commercial zone. No different than if we looked at the open space, that a portion of this is, there's things that are allowed in that open space. That doesn't say what somebody's going to do with it, that just simply says, this is what you can do with it under this zone. There's not an application first thing because a zone change hasn't been approved. But there's not an application to start that process of this is what I want to put there. I want to sell out on over at this particular place. That's where it's important that people process there's a difference there. The approved zone change allows whatever is listed within that zone.

Ben Gottfredson: Thank you so much for having me here. I am the owner of Big Ben Moving and Storage. I'm from here, I grew up in Southern Utah. So, I am sympathetic to a lot of the keeping it small-town, small-town mentality. I hope you can see with this presentation, how we really have found a good use for this land. And I'm going to kind of go through those as we as we go on. Me and the property owner, obviously unified on everything we are going to talk about. On the map, you can kind of see the precedent really is set for what we're trying to do, which is, you know, a variety of storage, right, so you have the Self-Storage Facility right across the street. You have the precedent set there. You have some RV parks close by. And so, we're going to do a blend, we're going to do some RV storage, some self-storage. The precedent is there to go on. You have this other slide showing the facility next door, the RV is always around, this is kind of a picture of you know, what we'd like to do you have some really nice curb appeal. Gone are the days when storage, just kind of the junkyard of the community, if we build something nice, we can really provide an awesome value to the community. Later in my representation, you will see a lot of vehicles outside, and we can house them. One plan we have is to update the cemetery. We're going to put in a wall for the cemetery. We were recommended, like a block. A block wall was earth tones. Something that makes it look a little bit nicer. It's already a great place for people to come visit their past on relatives, but we're going to make it even nicer on our own dime. We are willing to adapt to suit to the city of Leeds, some people like a residential front on our facility or something like this. Ivan's is a community similar to you know, kind of the same needs and wants. So, they asked this facility to make something residential looking in the front. We don't have to do that. But the point is just that we're going to try to make any concession we can to satisfy the city. Okay, so this is a big point. Storage facilities are a low traffic, low noise, and low light option. People are welcome to come at any time, but the reality is, they don't come through much. There's really not much traffic. If we went through Scott's list of restaurants and bakeries, and, (voice: adult business) adult business, yeah, all the things that are really heavy traffic in this area, you know, storage would probably be lowest on the list. As far as traffic goes. There are not cars coming and going, like there would be to a restaurant or something like of that nature, you know, dentist office. Our business does not have any semis. We have the biggest truck you can have without a semi, which is a 26-foot box truck. That's what our company uses. Our customers would likely have RVs. As far as the traffic turns go, we're going to put an extra lane on the road on our dime. And then it's also a lot safer to make a right-hand turn, then the current existing left-hand turn that's going into the other storage facility. So, we have thought about these traffic concerns. We feel like even compared to a park we wouldn't be bringing in that much traffic. Here's where the turn lane would go. We have it. We're trying to be low impact while still providing value to this community. We look forward to being partners with you and doing whatever is asked of us. We're wanting to this to be a smooth marriage. We're aware of the floodplains. I think the last guy who wanted an RV park there was afraid it would wash out his dirt pads, we're going to obviously hire an architect to have the slope such that it's not a concern for us anymore, we're going to have to leave, I would guess I'm going to get a professional look at it. But there is a pond on the south part of the lot, that will just likely stay there for drainage. That's not really usable, but I'm not an architect. Someone that knows about floodplains, but I would guess that everything will just kind of kind of flow down to that corner of the land.

The question was asked where the entrance to the proposed facility would be. Ben proposed making the entrance farther from the curve and closer to the cemetery for but if it made more sense to have a four way the entrance could be across from the storage units on the south. They were open to what was the safest.

Chairman Swenson ask Ben to address the noise concern.

Ben Gottfredson: No. We have strict rules. Obviously, you have business hours. Nighttime hours are by appointment only. We may start with some RV parking, but it's not going to be something where people can live their Hangout. It's just something where their stuffs there. They get it when they need it. And that's all it really is. So yeah, then the noise I mean, it's about if you come to my other facility on River Road, it's the quietest place in town. It's really nice as far as noise and light goes.

Commissioner Hadley: Is it possible to capture that water for their use?

Ben Gottfredson: I'll give it to you for free, if you want to drain it somehow. Yeah, I mean, I'm really not in it for the water. But I'm open to whatever the city wants, you know? Yeah, well, we'll talk about that and go down that road, but it's there. I mean, it's going to be in that pond, probably unless, unless our architect recommends something different. I'm not an expert. I can't really speak to it right now.

Chairman Swenson: Well, it'd be nice for the water company to address that with you and workout something.

Ben Gottfredson: We can do it outside this meeting, but I'm open to anything like that.

Commissioner Rosenthal said he could not see the map on zoom. He aske how many units were proposed and of those how many were enclosed units and how many were open. Ben said two thirds of it would be enclosed RV units and, and other self-storage units, and then maybe 1/3 of it would be RV parking unless the city has another idea on that.

Chairman Swenson: Your main building structure, is it going to have a facility for somebody to live there. You know how a lot of times there's an attendant, especially if you were to get busy.

Ben: I'll tell you that we do have one in our other facility. But it doesn't really matter to me, it would be based on the city's recommendation, I would listen because some people would argue that having someone there keeps their stuff safer. But I've learned that with how many cameras we have I can check all the all 30 cameras right from my phone anytime. That's kind of just a luxury. So, I would take your recommendation, but if you didn't have a preference, I would put someone there.

Commissioner Rosenthal asked if there had been any traffic studies. Ben said I have studied other traffic studies similar to this just to make sure that I was accurate and saying that it really is low traffic use. I have not done a traffic study because we're waiting for the zone change before we do, we've already pay for all those plans and studies. I took a look at other traffic studies to verify my hypothesis. Yes.

Scott: One of the things that would have to happen if this project was to move forward is the plans even though it's in the town of Leeds, the road is County Road so the County engineer would review it to make sure that the improvements meet the engineering standards and guidelines of the County. They'd be reviewed by professionals there would need to be engineers hired. The Planning Commission can make recommendations for traffic studies to be done as part of any development.

Chairman Swenson: Understand, there's two different entities here. If he buys it and if the seller changes to commercial and you're able to purchase it, this is an idea that you have. It doesn't mean there is a guarantee that you're coming in, you could change your mind tomorrow, and somebody else could come in here. So, the focus is on the zone change. Yes, primarily. But this is a great idea thought that that would have to be proved again at a later time.

Commissioner Roberts: Good point, Danny, because we need to get this ship back on course, this is for a zone change. Ben, this is going to sound harsh to you. But if this zone change were granted. Fred Farkle, tomorrow is going to approach Aaron with twice as much money because now it's commercial property than what you've probably already talked to him. Now. I'm not trying to create an issue here, I'm putting out the facts here because it increases the value of the property, therefore, the zone has the ability for whatever's allowed in that zone. That's what you've got to stay focused on. What Ben is proposing is a use that would be permitted here, we cannot get locked down into all of these things for what he's proposing. Because that's not the application that's before us. Those things would be addressed through that application process. Whether he wanted to do this or whether you want to have the goldfish farm there.

Arron Edgley: If it pleases the city, I have no interest in doing anything other than what Dan is proposing on this property. And the reason why we're here together is because of that. If I wanted to make the dollars that allegedly could be made with a zone change, then I wouldn't have him here. I would have Maverick here.

Commissioner Roberts: But with respect Arron, when you first approached us, you were talking about property rights and individuals being able to have the best investment for their properties? I understand what you're saying. The reality is the uses are allowed for whatever the zone is.

Aron Edgley: I don't disagree. But with the cooperation of the city, our intention is to sell to Ben so that he can create something that's as low impact as possible. We're not interested in the dollars if we can have this as low impact as possible. And for the record, that's our standing. Sure. And that and we hope that that's, that's key and important. Because yes,

technically, your point is taken, but we're here together, so we don't have to have that concern. Unless Ben backs out, I'm contractually obligated to let Ben do his due diligence, which is part of this meeting.

Chairman Swenson: That is good to know.

Commissioner Rosenthal: I will direct this to Scott. There was a proposal for an RV store in the north end that this piece. It was the piece of ground that has got fill on it. It was a fairly contentious public County meeting. And there was quite a bit of discussion about exactly what the town is talking about. Under the ordinance, if you change it to Commercial anything that is allowed there is doable. Now it seems to me, as I recall, the County tabled that discussion for that particular applicant for the zone change. I don't know what became that. Scott maybe you can help us here. What's the county figured out on how to address challenges to a zone change that could open the door to the host of things we have listed in our ordinances?

Scott: The county denied the zone change request to rezone the property for storage facilities.

Chairman Swenson: That was the upper part. Yeah, that was that narrow part?

Commissioner Hadley: What was the reasoning?

Scott Messel: They didn't feel as appropriate for the area.

Chairman Swenson: Anymore questions?

Ben Gottfredson: What's the next step, I guess? Or is the verdict tonight?

Commissioner Swenson: Next step is our consideration for the zone change. Mayor, if I can ask you a question. Where is the process of the new General Plan? We went out and reviewed areas that we thought could be commercial years ago. Are we anywhere close to projection with some of our open space on that town plan right now? No. Not yet. We're almost a little ahead with this. I know it's been in the works for a while. Everybody did a town survey. There was a lot of response in specific to try to manage this growth and manage the area.

Do we have anymore questions? I know the public hearing has been closed. Ken, Alan?

Commissioner Roberts: When you look at it from a logical standpoint of commercial sitting adjacent with a similar use? Here again, it can get stuck on the use. I know what Ben has presented to us and I understand that it. remember, it has the potential of whatever is listed.

Chairman Swenson: But we do not need to consider that. It is the application to Commercial. It is next to the freeway. Is it conducive to a Commercial zone?

Commissioner Roberts: Actually, it is. when you look at it. It is adjacent to an on ramp to an interstate. It's adjacent to an off ramp. I know there's a big stretch between those two but literally that on an off ramp and all of Main Street in Leeds is part of that interchange. As far as that roadway goes; it's part of that interchange for the North and South exits for the lead area. This property sits adjacent to it. The road that is in front of it is a state right of way until it meets that county portion of that is a UDOT right of way that sits.

Chairman Swenson: Do we need to consider the county General Plan? Does this meet our areas view for a Commercial property in a Commercial area?

In my mind, it's hard when you've got a state highway, a DOT highway, commercial property surrounding it to not to allow a property owner that wants it to be commercial. Any other discussion? It is a hard call.

We've heard negatives at are mostly personal. I wouldn't want to live right there. Thank goodness, really the only houses are in the county, a little bit north. I know they're concerned. Thanks for bringing up, Mr. Fawson, about the possible access. That could mitigate in an emergency a little bit. Personally, I don't have any concrete disapproval that I could validate under the circumstances. I've been thinking about it for two months. I just there isn't anything written that you can validate to say, Nope, you just can't do it just because we don't want it. That's on one end. I appreciate the owners to wanting to do something with it. We have somewhat allowed a couple times turning it into something commercial with green space and some other things. We've gone along with it. We said it's a good idea. I guess did not pan out for anybody. So here we stand. More discussion? motion?

Commissioner Hadley: We do not approve it what is going to happen to the area?

Chairman Swenson: If we don't approve it. The owner can still go to Town Council and present it in Town Council. And they could approve it or not. If Town Council and Planning Commission do not approve it, the owner can do something else with it, that we might give an approval. So, we need to consider the property change as opposed to what might go in there.

Commissioner Rosenthal: On the process of designating sections for commercial unionization, commercial purposes, a number of years ago and those were incorporated into the zoning map. I can only believe that there was the reason that these two parcels were not included in his commercial at that time. I do not know that recently. As much as I liked the idea use low impact commercial processes. Mr. God business teams to be exactly that. At this point in time, not in favor, recommending the result.

Chairman Swenson: You are not in favor of recommending the zone change, and what would be the reason?

Commissioner Rosenthal: There was some reason that it was never zoned. commercial. I don't know what that is.

Commissioner Roberts: I can probably answer that. When it initially was established, the portion that shown up there as open space was open space. That's what most of that area is designated, whether it's unincorporated, or once it became within the town of Leeds, it came in as open space. The mixed use is what was brought in under an annexation, specifically mixed use. And that's why you see such a great difference between those two properties there. They were owned by different entities at the time. Short of the last two applications that the planning commission has had on this property before looking at a zone change. Up until then, no one ever approached the town for a zone change on that open space to a commercial. As with Mr. Stoker's property, that is commercial now, that was open space at a time that it was brought before the town and granted for his zone change.

Scott Messel: There is a lot of history that we could get involved with, but really what it comes down to is Does the Planning Commission feel it is appropriate to rezone this property to the requested commercial zone? And if not, it moves on to Town Council. Wither you deny it or approve it, it will move to Town Council because Town Council is the land use authority on zone changes.

Chairman Swenson: Whatever we do it move on to Town Council.
Aseneth, you had a statement.

Aseneth Steed: To clarify regarding the dates of previous Planning Commission consideration for this property. May 3, 2017, there was a motion from Commissioner Robbins to table the zone change application until after the General Plan was finished. In 2019, Commissioner Darton recommended the zone change to Commercial. Commissioner Wilson seconded and it went to Town Council.

Chairman Swenson: We did recommend the zone change. That was the second party with the glamping proposal. I don't know what happened at Town Council. I think he backed out of his proposal, and the Town Council consideration was cancelled.

Aseneth Steed: That applicant was Brent Buckwater, and the zone change was recommended by planning Commission to Town Council. August 7, 2019, the Public Hearing notice was posted for Town Council and then it was cancelled.

Aaron Edgley: So, most likely, that would happen again. Correct? History would repeat itself.

Commissioner Roberts: Likely, yes.

Arron Edgley: If for some reason the buyer wasn't able to do the thing that they would want to do on this it wouldn't continue to stay commercial. If you guys didn't want it to stay commercial?

Chairman Swenson: Well, from us know, whatever we say Goes to Town Council, I remember at Town Council at write about that. The guy was having trouble financially. Maybe backed out of the whole thing.

Arron Edgley: Here we are trying to do the exact same thing. My comment to Commissioner Rosenthal is I don't think it's prudent to not be able to share a reason or two reasons why in the past, that it wasn't approved. Give me the reasons before you could just state that there were reasons in the past. That needs to be noted.

Chairman Swenson: I understand. Mr. Stoker, I've got a question for you because you own the property across the way. Did you have to go through a zone change to put your facility there?

Troy Stoker: There was a guy that already did it, and we bought from him. He had the plans all drawn up.

Troy Stoker: There was a guy that already did it, and we bought from him. He had the plans. I have one other little thing. What happens when we get another 100 units up and running that we got approved?

Chairman Swenson: That has to do with what goes into facility, right. So, we understand. Come to the microphone and state your name please.

Tony Hunter: So, the city has the ability to annex land that is presently County as long as it touches the city boundary?

Commissioner Roberts: A landowner can petition for an annexation when they're in an unincorporated area, if it is adjacent to a municipality.

Tony Hunter: If you're zone that too commercial, what keeps the owners that are north of that, or actually anybody that's a did so that commercial property from now petitioning the council to make all of that commercial, which affects the residential area?

Chairman Swenson: Right now. We don't have jurisdiction over it. So, it's county property.

Scott Messel: There's a difference between annexation and zone change. In the unincorporated area, those property owners could come in and request annexation into the town of Leeds, at which time it would be determined what zone they came in as. At that point it would be up to the Planning Commission or Town Council.

Tony Hunter: There's nothing stopping those property owners from going through here to zone to change the zoning of all of those properties to commercial?

Scott Messel: Correct.

Tony Hunter: And if you allow that commercial zoning to happen now, then you really because the precedent has been set? You can't really deny that.

Chairman Swenson: The precedent has already been set across the street. It is commercial zone.

Scott Messel: It is important to note with zoning, there is no precedents that is set. It's all individual, pieces, and what is appropriate for those pieces or for the area. Because there is commercial across the street, it does not mandate the Town Council of Leeds to rezone adjacent property to Commercial zone.

Tony Hunter: There is that vineyard there already in that big square property, or that rectangular property on the other side of Hidden Valley Road. I mean, if he wants his own his own change on that property, and then he decides to develop that as something else. It basically just starts to increase the footprint of that commercial property affecting all the residential properties.

Chairman Swenson: Actually, it's an AG property, but it's a commercial entity under AG.

Scott Messel: Any property owner can submit an application. Any of you in your neighborhood, could with your home, have the right to submit application for a zone change? Doesn't mean it'll be accepted.

Tony Hunter: The point I am trying to make is it open the door.

Commissioner Hadley: Is that vineyard is that agriculture?

Scott Messel: The vineyard is currently zoned A-20. It's smaller than 20 acres, they are going through the zone change process right now at the County, requesting to rezone it to A-5 and then get a conditional use in the Agricultural zone for a term called Agri tourism. Some examples of AB are the learning farms, vineyards. If you had pumpkin patches or corn mazes, Staley Farm is a good example of Agritourism. Some, of course, it's all on different scale, but that's what agritourism is. And that's what the vineyard is looking at doing. Improving their property as a vineyard and having wine tasting cheese and crackers and fun.

Commissioner Roberts: It has the potential under that zone to be...No, not commercial, but a five-acre lot rather than 20-acre lot because it is an A-5.

Here, again, that's unincorporated area. That is not within our jurisdiction. People have to understand what is allowed for zones that exist. And when you're looking for zone changes, there's a number of uses, depending on what it is you're looking for. The hiccup on this is that Mixed Use zoning because we don't have a Mixed-use zone anymore. We need to clean that up. The town got rid of that. A property owners looking at that saying, what is it? Mixed use?

This is my first question. It's all under one parcel now. Is it open space? Or is it mixed use? It's really a combination of both. It just sits under one parcel number now. Because the town got rid of the Mixed-Use zone, the town does have an obligation to determined what that parcel should be. We have an application asking for a specific use.

Chairman Swenson: The Mixed Use was along the interstate because it was closer to commercial stuff. That's why it was zoned that way originally. Well, I need a motion then. My feeling is if I was living around the corner back there, I would have the same concerns that you do. I wouldn't want it. There's no question about.

Citizen: You say commercial, I just see Semitrucks and trailers.

Chairman Swenson: No, it is not a good trailer...Well, right there. I mean, you can put in four lanes there if that's what he required to get a semi off. So, and he's not looking at storing semis in there.

Citizen: indecipherable

Chairman Swenson: That's right. We don't know what he is going to put in there for sure. We have a good idea. But personally, I can't come from the personal side. According to our documentation, the area, the zoning, everything that we've approved in the past, I cannot justify a reason to disallow it. I can disallow an entity that's going to go in there but for zone change. I can't allow it, but I will rely on somebody to make a motion, because that's not my position. I understand, I don't live there. But if this gentleman goes in there and does what he's proposing to do, put in community things. He wants to do it nice. Hopefully, that's all just hearsay. More discussion or a motion? Again, it goes from us to the Town Council. I wish we were a little bit farther along in our town plan. Right now, there is a concern and a desire to do more commercial to bring more revenue into town. That has been a community statement not specifically this property,

Commissioner Roberts moved to approve the zone change request for parcel L-4042-A to be Commercial. Commissioner Hadley second.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
CHAIRMAN: DANNY SWENSON	<u>X</u>	—	—	—
COMMISSIONER: ALAN ROBERTS	<u>X</u>	—	—	—
COMMISSIONER: KEN HADLEY	—	<u>X</u>	—	—
COMMISSIONER: TOM DARTON	—	—	—	<u>X</u>
COMMISSIONER: MARK ROSENTHAL	—	<u>X</u>	—	—

Chairman Swenson: We are stalemate. Somebody call Darton right away. So, at this point in time, it doesn't pass, and it doesn't not pass.

Commissioner Roberts: It does not pass.

Chairman Swenson: It doesn't pass the Planning Commission. If the desire then is, and I apologize for one member not being here, the desire then if you want to move forward it goes for a zone change to the Town Council. You can present to them, which you would have to do anyway. So, if you want to present it a Town Council, you can.

Ben Gottfredson: Do you have a date?

Scott Messel: You can talk to Staff after the meeting.

Chairman Swenson explained that the approved agenda that moved 8b. Discussion and Possible Action on signs for pies and bread was intended to be 9b. Discussion regarding Corner Property North of Vista Avenue with Brian Hansen.

Brian Hansen: I've got a piece of property here I just want to talk to you a bit about it. Our primary reason for buying this property was an adjoint our property we already own on the northeast side of the lot. Our initial intent was to build a primary home and then another home for rental purposes. However, in recent months, with all the new proposed developments (my wife said just read this instead of winging it) around Leeds, we're looking for other options for the property. Because it's on Main Street, and a large three-and-a-half-acre lot and close to several other commercial properties (Can you tell where this is going? Sorry, Ken) we are looking at getting a change to commercial zoning. I would probably do this differently now I have been at this meeting already. With commercial zoning, we want to put a small, six-unit motel type billing to use for nightly rentals. Each unit would be about 650 square feet, with a total building size of being less than 4500 square feet. Three of the units would cater to couples having a bedroom a kitchenette and a living room and the maximum occupancy of four people. The other three units would be geared to small families with two small bedrooms, kitchenette, and a living room with a maximum of six. We could give all Leeds residents, like a 40% discount reserved for family or friends if they're coming into town. We don't want growth here and you don't want to, you know, turn this town into something we don't like as much. But we hope that the residents would possibly see it as a positive asset to the community. My guests would support the local restaurants stores we'd all love to see prosper. That'll be a source of tax revenue for the city. Our guests will pay sales taxes, as well as a transient room tax, which would benefit our city. We think a lot it's large enough that it wouldn't encroach on any properties around or close to the other homes. Our home in fact, we plan on building there would be the closest home and we can keep an eye on the property.

Chairman Swenson: Where is your property right now, kind of behind that telephone pole, right?

Brain Hansen: Yes. This is our lot and then we own this right on this side here. So, the here's our house right now. But we want to build another house back here.

Chairman Swenson: And you have the property connecting down the bottom corner? And then you want to build the House Hotel.

Brain Hansen: If any of you guys know my wife, she absolutely hates conflict. So, if there's an adamant opposition by the majority, petitions, or our name being dragged through the mud, we'll just simply not do it. So, I shouldn't say that, because you'll probably get a big petition, thank you. We will build a pickleball court for our guests. And if this would help, we'd be happy to put in a pickleball court for the community and also maybe a weight room and a fitness room. I don't know if that would help sweeten the deal. In looking at the application, there's a nonrefundable fee 1,100 bucks, surveys, testing, it's around five grand for us to do this. And I just wanted to come and ask the Planning Commission if you think we got a shot at getting this on commercial. Is there a chance of doing this?

Chairman Swenson: Do you have septic approval and if you do for how many do you

have in mind? Have you looked into it?

Brian Hansen: 125 gallons per room. And with a special filtering system, I can do six rooms into a motel? Yes. And there's commercial taps available.

Chairman Swenson: So, it is all rural residential round you and commercial in that top corner across the street. Right?

Brain Hansen: Yes. Well and we've just noticed that there's a lot of other commercial places there on Main Street and it would kind of fit in with kind of how things are developing and moving up and down the street.

Commissioner Hadley: You want to keep the other properties you own Rural Residential?

Brain Hanson: Yes. This one might end up being Commercial. I've got to do a lot line adjustment because this in here is a pre-2009 All the study about septic systems so right now I can only put one septic system on this property if I do a lot line adjustment like here, then I can get two lots out of that. That makes sense? What do you think? Does it got a shot, or do you think we can pull it off? I appreciate what you're saying about things changing when zone commercial, it changes a lot of things.

Commissioner Roberts: I guarantee you it changes, this is America. You don't believe something does not change go turn the news on in five minutes and then 15 minutes later turn it on. It will change.

Commissioner Hadley: You have off road parking?

Brain Hanson: No. I've got a large setback. I can put it 50 feet off the road or 100 feet off the road. So yeah, they're not going to be parking on the road.

Commissioner Roberts: Brian, my initial response to it is it may be difficult to zone that particular piece commercial because of the amount of residential that is around and truly surrounding it. That one valid point you have a lot of a lot of that is on Main Street. There's a lot of wick there on Main Street. But there's a lot of wick there that is residential on Main Street that surrounds it. That's my first initial thought. But the thing that I want to make clear, the public has the right to make applications. I would not want to discourage individuals from making applications. But you've already looked at the dollar sign potential for what applications cost to make changes. And I don't want to discourage anyone from making an application because I truly support property rights.

Chairman Swenson: What if, Scott, what if he wanted to put just a regular home there with two bedrooms? So smaller and make it an Airbnb? What are our requirements right now?

Brian Hanson: I can save that money by not doing this and go buy a tank of gas, you know, I can make good use of them.

Chairman Swenson: What if, Scott, what if he wanted to put just a regular home there with two bedrooms? So smaller and make it an Airbnb? What are our requirements right now?

Scott Messel: Right now? We don't allow it.

Chairman Swenson: I know. We don't allow that. That was kind of my point. For just having like your home if you wanted to turn your home into an Airbnb, let alone a small motel.

Brain Hanson: And I've been here many times, talked to and worked through.

Chairman Swenson: Just that the community doesn't want that. Right? So just giving you more background? We're not saying don't try. But that's even something on a smaller scale right now.

Brain Hansen: How much is public comment determined what you do and what you recommend.

Scott Messel: On his own change. It can be everything.

Commissioner Roberts: True.

Chairman Swenson: It has a lot. But I in my mind, you have to validate why you're not doing it. Right? There's got to be something validated in code wise why it is not approved. Public comment is important. But in my opinion, I mean, the property owner has property rights, and he should do something with his property. If I say no, I should have a justified reason.

Ken Hadley: Why don't you sell it to the city for a community center? We need a bigger room than this for a community center.

Brain Hansen: I could put a pickleball court on there. A weight room. I think if we get more tax dollars, I think you guys should be driving the city cars. Right? We would have a whole different city office here.

Chairman Swenson: Well, I think gives you some horsepower, right? No reason you can't go to the Town Council to and give it and get an opinion there, but I think it's going to be tougher. If it was down the street or the fire station on that piece next to the fire station, then then you'd have a lot better chance because it's commercial property.

Brain Hansen: If you don't mind could I ask of the ones here how many of you guys would go for something like that? Ah, Three out of...Okay. Well that helped me.

8b. Discussion Possible action on Signs for Pies and Bread

Let's have a discussion with our signs. We have some we have signs that are placed here in there that I think some of them aren't appropriate. That's what it comes down to. Scott, give us a synopsis.

Elizabeth Jeffs: When I first started doing this, I did call the city Town Hall. And the clerk said they talked to the mayor and so we could go ahead with what we were doing

Chairman Swenson: Exactly what you are doing?

Elizabeth Jeffs: Things have changed. As time has gone on, we've taken some signs down. Well, we didn't, the wind did. So, we've adjusted things to make them a little bit more stable, but they are the same layout of signs. We had a lot more up, but we didn't see that it affected as much. So, we've cut back on that. But as a general rule, you

hadn't come and go for almost two years.

Chairman Swenson: We want you to have signs to some places, you just can't, or there has to be a little more setback, I think is what I've been reading. So, signs are okay, we want you to have signs, we want you to promote your business. Everybody wants to do that. And you have signs on the property but it's mainly on the property. When you are talking about road frontage the T intersections and things like that those places you can't. we do want you have signs.

Elizabeth Jeffs: I had asked for signs, and I laid them out and they said they talked to the mayor. That's been about a year. That's all the communication I've had on the signs.

Scott: Yes. majority of that has to do with more permanent signs. It does say in 26.6, that no person shall paint, mark, or write on our post or otherwise have fixed any handbill sign to any public or private lands or structures without obtaining a permit from the city. So, the applicant could go through the formal process, or the individual selling the pies could submit the application show where on the site, particular site, or lot that they're wanting to post on, having the measurements on there, and what the signs look like, and it could be reviewed as an application. That would be the first step.

Chairman Swenson: Do you have a permit? I know you talked to the mayor.

Elizabeth Jeffs: I'm not sure what exactly happened with it. He mentioned what we needed to do. I presented some pictures and things like that. All I did was get a call back saying yes, go ahead. But I don't have a piece of paper. I don't I just presented what we wanted to do that it was to him. I didn't do this I will but it that way. I presented some pictures of what we were doing and what we planned on doing. And that's all I did.

Scott: What could happen is just going through the formal process, and that creates the record and yeah, a paper trail. So, in the future if there's any questions then you're like, hey, I have my approval.

Commissioner Roberts: Specifically, these signs, we're going to call them freestanding signs. The signs that have been in question, right, because they're not a permanent sign. These are a freestanding sign. A freestanding signs may be considered for approval, as long as they comply with the requirements of the zone, they're in. Here's the caveat of where they cannot be placed. The signs cannot be placed on town property or in the right of way. That's going to be whether it's the Town right of way or whether it's on Main Street, which is a UDOT right of way. Business signs cannot be placed into those right of ways. Our town code specifically says that it has to be at least eight off from that right of way. so, we allow freestanding signs, but there's places where they cannot be placed. Most of these signs, or at least the pictures that we have in our packets are directly in the public right of right.

Scott: The pavement may go so far, but the right of way extends past the pavement. You want to make sure that you know where the right of way is.

Elizabeth Jeffs: That's what I need to understand.

Chairman Swenson: Well, for example, when I was driving in, I looked at a sign that was on the south end of the parking lot. It is right up by the street. There is a couple of reasons for that concern. It's up there on the right of way. It would have to be back eight feet from the right of way, and it can only be four feet high. Okay. So, it can't be

tall. Cars are coming in looking to the right. You can't see. You could block a car. You could hide or block somebody walking. There are some reasons for that, safety reasons. Right? So, those would have to be moved, even though it's right there by your property. Where you come off the freeway and make the turn, I think it's got to go. It's got to stay by your on your property.

Commissioner Roberts: It cannot be in the public right of way.

Chairman Swenson: Correct. Can't be in the public right away.

Elizabeth Jeffs: So, say the one as you exit off of the northbound and turn, is there any place to put it in that area?

Commissioner Roberts: Technically, no, there would not be. The DOT right of ways is extremely large on an interchange. It literally would have to sit up on private property way above there. That would be the closest you can place it.

Chairman Swenson: Closest would be on the property on the other side where the restaurant is.

Elizabeth Jeffs: How can we get traffic? How can we legally get the traffic that is coming off of the freeways?

Chairman Swenson: Well, that's the point. You can't put it there.

Elizabeth Jeffs: Is there a way? What I'm saying is if it has to be farther back, how far back? What are the legalities?

Commissioner Roberts: Eight feet off from the public right of way.

Elizabeth Jeffs: Do you know where that line is?

Commissioner Roberts: yeah. It's going to be quite high up on the hill.

Chairman Swenson: It's going to be where the property is of the restaurant or the facility that you're at. So, wherever their property line is, because that's going to butt up to the state highway right of way.

Citizen: Does the city have jurisdiction of the state right of way?

Scott: No.

Commissioner Roberts: This town does not have jurisdiction on state highway right of way.

Citizen: Is that state highway or is the city road?

Commissioner Roberts: It is a D.O.T. right of way.

Scott: But they would not permit it on their road.

Commissioner Roberts: And they are not permitted either.

Citizen: Well, that may be, but what I'm saying is that discussion for D.O.T. not the city.

Commissioner Roberts: I would say, collaborative, it would be between the town and the D. O. T.

Citizen: and does the D.O.T have a representative here to speak for them?

Commissioner Roberts: No. Not here.

Chairman Swenson: No, not here. And this is a state highway here also Main Street to the south end of town.

Scott: The signs would need to be out of the right of way. Once her signs are out of the right state right of way then it is in the town of Leeds jurisdiction. That is why it's being discussed right now.

Chairman Swenson: If that sign was on the property that they own wherever that property line is, you could put a sign up there. Same with the one once you make the left turn and you come into the state highway, the one by the manufacturing place to Turn right then, right? Make sure that one can't be there either because that is the state departments.

Chairman Swenson: Well and the one by the corner of your property has got to be eight feet back from their property line.

Scott: Your next step would be to come up with the site plan. Show where it's going to be outside of the right of way. If you can make it work outside of the right a way, or whatever location you're requesting to put your signs, and then you would submit it to be reviewed.

Elizabeth Jeffs: One thing that I'm getting from you guys is there's not really a place to put it.

Commissioner Roberts: I'm not saying there's not a place to put them. I'm saying they can't be in the right of way; therefore, you're looking at private properties that you would have to approach individuals that own property adjacent to these right of ways where you're talking about the public right of ways. If you wanted to sign there, you would have to approach the owner of that property and say, would it be okay if I placed the sign right here.

Elizabeth Jeffs: But on the northbound exit, I cannot put one there.

Scott: No. You cannot but it there because of the right of way.

Elizabeth Jeffs: And then on the other one, then it drops down into the ditch.

Chairman Swenson: Right.

Commissioner Roberts: Correct.

Elizabeth Jeffs: So, the only sign that can really be there as the one that's at the store, but it needs to be farther back. So how can we attract? Because pretty much most of the business is tourists.

Chairman Swenson: I understand.

Elizabeth Jeffs: They come in consonantly and say it's your signs that brought us. It's your signs. So, how can we get that where it actually is effective to be able to sale

Commissioner Roberts: But that's where government is going to put that challenge back on the business owner. What we're saying is, here's where you cannot place it. So, the challenge comes back to the owner to look at, oh, there's private properties in this area? Would it be something that I could approach private property owners to allow the sign.

Elizabeth Jeffs: Okay. Looking at it, there's only one sign I could talk to the Sullivans. Their pastures right there on the south bound. And I'm pretty sure we'd have to build it up quite a bit. Because it's a ravine that goes down, there's waterway, so I couldn't put it, I don't think they'd allow us, the city or whatever that will allow us to go into the waterway. So, I'd have to be farther back than that. So that's the only sign. So, is there any way? Because I mean, there's the other businesses in that area that we're bringing business for? They've all mentioned it. Where is a way to make it so we can accommodate to draw the tourists? If there's no signage, and you say you're putting it back on me, but a lot of it needs to be... That's why in a lot of cities, you'll see the state has offered a sign up where you can pay to have signage put there to attract people on the highway for the commerce to come in. Now, we don't have that option in this town.

Commissioner Roberts: Correct. But that's a valid point. The state can be approached about making signage that shows specific businesses on off ramps.

Elizabeth Jeffs: What about the city doing that for the city, instead of leaning on the state?

Chairman Swenson: Because the city doesn't own any of those properties? You're talking about the state?

Commissioner Roberts: The state owns that right away where that signage is you're talking about. When you look at that signage as you go down the interstate and you say, oh, there is Pistol Pete's Pizza off this exit. Those signs are owned by Utah Department of Transportation. They are willing to cooperate with businesses to allow individuals that are traveling to know what's available. whether it's an eating establishment, whether it's a station, a fuel station, whether it's a motel or something like that.

Chairman Swenson: That is a good idea. I mean, we literally don't own any of the property from the freeway right to your front door. It's all state.

Elizabeth Jeffs: So if you don't OWN it.

Voice: Then let the state tell them to take them down.

Elizabeth Jeffs: I guess I'm coming to that. I guess the same question is if we're interfering with the state, not the city, I'm asking for the city to help me with things, and

they say they can't it belongs to the state. Now I've had the state call me on different things when we've sold in other places. And they've said, this is what you can do, and you can't do. And they've helped us out. But right now, you're saying you can't help us out because it's their land.

Scott: We can't give you approval on their property.

Chairman Swenson: You come in for a permit for sign and we say you can put it here, here and there. We can't approve you to put a sign anywhere else.

Elizabeth Jeffs: So, you, you are the police for the state. Is that what you are saying? or do I talk to the state?

Scott Messel: No. Go talk to the state.

Elizabeth Jeffs: Can I leave them there while I go talk to the state?

Chairman Swenson: Well, I don't know where the complaints have come from. You've had them there and because there haven't been complaints. So, there's been complaints of some degree. I don't know where they've come from.

Elizabeth Jeffs: Right. But I had complaints. That's one reason that helped me talk to the mayor, over a year ago, is people came to me and complained about it. So, I went to him. And he says, well, right now make sure that they're stable, make sure that they're this and that. The coroner. He says it's going to bring in business. But now...

Scott: It's not something that can be sold tonight.

Elizabeth Jeffs: So, can I leave them there while I figured out what the state says because I have to...

Chairman Swenson: We cannot tell you that.

Scott: They cannot tell you that. You can keep speeding until you get pulled over.

Elizabeth Jeffs: There we go.

Commissioner Roberts: I'll make it clear. This particular sign comes 100% under the jurisdiction of the town of Leeds, which is in front of your in business.

Elizabeth Jeffs: That's one that you do own so I just need to bring it back eight feet.

Commissioner Roberts: Eight feet and the height restriction. Danny mentioned, four feet high. That's what our ordinance allows. It can't be any higher than four feet for a free-standing sign. If it's a permanent sign. It's going to there will be a sign application that you have to request, and it will go through that process on permanent signage because there's a whole lot of other things on permanent signs. We're talking about freestanding signs.

Elizabeth Jeffs: Like with that, all I do is need to cut the legs out.

Commissioner Roberts: Sure, visibility. We want to encourage businesses to be successful, I can't imagine any government entity, municipality, not wanting their businesses. Hey, I hope you're successful in what you do it because it's success for the public good. These signs these are UDOT signs. Your sign is directly adjacent to

a UDOT sign that is governed by the Utah Department of Transportation. Now depending on what UDOT tells you to do with this sign, I'm pretty sure I know what they'll tell you to do. They're not any different than what we are they don't want it in the right of way. And they're going to say push it back over off from our right of way. As soon as you come off that right of way. You're going to be into private land that has jurisdiction by the town of Leeds. So, what I'm saying is I'm going to put it on private land now I can have a sign that's as big as that screen right there. No, because I understand that but that's reality.

Elizabeth Jeffs: But I have to get a permit from you.

Chairman Swenson: Correct.

Elizabeth Jeffs: Like I know Ned isn't going to be too keen on me building a great big one but it's going to have to take a great big one if it's that far off the road.

Chairman Swenson: and then when you come to start over with the permit let's get her a copy of chapter 22.

Scott: Here you go.

Elizabeth Jeffs: Okay, thank you.

Commissioner Roberts: Yeah, that's better than a bedtime story to read that that'll put you right to sleep.

Larry Bruley: For the Commissioners education we have. We have personally looked into the road signage. It's almost ridiculous what the State offers because first of all, they're bought up and they're usually bought by people with brand logos that you could recognize from a mile away. Their cost prohibitive. They're like \$400 a month for a little tiny sign that has to have so much white around the outside, so much blue around that, and then you get this little banner in the middle. And by the time I'll make somebody understand what my business is. You need binoculars to see it.

Chairman Swenson: You're talking about the highway signs. It says one mile this way that way?

Larry Bruley: Yes, and never they're never near an exit. They're always half mile away. They are wildly expensive for something that's almost useless, you know. So, their program could definitely use some assistance, but it's worthless to us. We couldn't figure out how to make it work cost prohibitive signage is wrong. It's just worthless.

Chairman Swenson: Well, you could imagine if the state said first Inservice gets to put one sign. But if every one of the t the occupancies in the market put a sign, for restaurant and all that, every place that you had them. There'd be five or six of them right across the intersection. To the change. The entrance would be blocked. you would be blocking eyesight for here and there. They're not going to do that. You know that. There's a reason it's not just the one. It's that nobody can. Because there's a lot of storefronts in there. You would have Post Office, Mexican food place, Hair place, and everybody would have a sign coming up. For one, you're not going to want the looks. The neighborhood wouldn't look so good. So, they're not going to do that. We don't have an answer other than you can't.

Larry Bruley: Can we leave up and wait for the state to say something?

Chairman Swenson: No, it come before. We've got to change it.

Citizen: Okay. So, the question, one of the comments here, there are signs that just say food and gas, or no food, no gas. Those kinds of things on the on the freeway. I don't know how you go about getting some. Did you check with that Larry?

Larry Bruley: Yeah, that doesn't help us too much. And I think it's funny how many people come into the store, and they get off on accident. They're not even getting off for any reason. They forgot to get gas in St. George. I'm already in that. You got a Bathroom is the Number one question. Where's the gas? We forgot to get in St. George.

Scott Messel: Maybe you want a gas station in your commercial property.

Commissioner Roberts: No. My wife can attest to this. We've had a lot of people fuel up at our place. And we don't have a fuel stop there. But there's a lot of people all right.

Chairman Swenson: Any other question about that? You're good.

9. Discussion Items:

a. Discussion regarding 211 North Main Street

Tim Corbett: A property manager for Traci Fieldsted which is the owner.

Traci Fieldsted: And I am speaking here for Gay Egley. I am the executor of her estate. This is about the house across the street 211 North Main. In 2008, Dan Fuller, did the process to make it commercial and I would like to get it back to residential and split it off of the commercial property that my mother owns. And I would like to come there and live and make it my permanent residence and to be shepherd over the commercial property where the market is and that and get some things going and clean up the property. But I think it will, will take me living closer. I have a home in northern Utah. And I would like to you know, the houses got its own utilities and stuff. And I would like to just put it back into Residential property which it was originally.

Chairman Swenson: So, you're talking about the small parcel with the with the small home on it.

Scott Messel: According to our map is still Residential.

Commissioner Roberts: The map is not correct on that. I can give you the history on it. You'll see that roadway come in right there. The original Babylon Road came in, go back to the other map where you can see the road going, you can see the pink lines. Now, that road was established. That road is described on that property. The original Babylon came in closer to the home that you're requesting. And that adjustment was made as Don Fuller presented to the town a 10-acre annexation behind the storage stuff came in, they were looking at a project. Here's a perfect example of things doesn't always come out to be what applicants bring before us. Because of us to ask Don, at that time, oh, yeah, that we're going through with this, and this is going to be

established. Well, it's the same as it did then which property owners if that's what they want to do, you know, so be it. I guess that is my concern. The adjustment of that road had to exist to allow access to that property up above. That road was described adjusted slightly, but the whole complex came in as a Commercial zone to be included with where the store and everything else is.

Chairman Swenson: So, you own, or your family owns the store. That whole trailer park, the other units that aren't being used now, and all the way to the edge of that house? But it's separate parcel. Has a couple different parcels there. Right?

Tim Cobett: So, right now presently, as it stands, that it is all one parcel.

Commissioner Roberts: It is one parcel, correct.

Tim Cobett: So, I guess I would like to know, then what exactly is that zone for the roadway that's there.

Commissioner Roberts: it's commercial, it's all natural, that whole parcel is commercial. Here's what has to be established. What you're wanting to do is truly split a portion of that off and change that zone for that portion. That portion would have to fall in the size category of the zone you're looking for. That adjacent property is going to be an R-R-20. So, what sticks in my head the Scott pulled back that other map? It's an R-R 20.

Scott: Technically that piece should be blue because it was all part is the same development.

Commissioner Roberts: Correct. Is that property large enough to meet the qualifications for an R-R-20. And if it's not, I don't want to get on a long tangent

Tim Corbett: The answer is yes.

Commissioner Roberts: But if it's not, because that road right away sits there, and you own the property with a right of way that allows. That right of way could be adjusted. The applicant or the property owner would have to petition the Town can we make this adjustment so I can get that to the size of an R-R- one. I don't know whether it does or not you literally would have to have that surveyed in order to know that R-R-20

Scott: You need, if you do end up making a lot line adjustments or adjusting the road right of way, you'd want to make sure you have the widths, not just the overall acreage or square footage but you need to make sure you have the widths and depths for each a lot.

Tim Corbett: We propose we do not need the road line or the easements.

Commissioner Roberts: The easement sits there; believe me that won't go away because it allows access to that property.

Chairman Swenson: The easement could still be there.

Commissioner Roberts: The other thing that comes into play on that property, and I'm

not sure of this and make some assumptions. I don't know whether that house ties into the same septic have those businesses there or if it's separate.

Tim Corbett: It is separate. Everything on the property is separate.

Commissioner Roberts: if it is separate, that's a real a relatively potential thing. If it is not separate, if it bridges over and picks up into the septic from what used to be a motel there, that becomes a problem.

Traci Fieldsted: It is my understanding that that property was residential before 2008.

Commissioner Roberts: Correct, it was.

Chairman Swenson: And if you needed to move the northern lot line, you have space to move into the commercial If it's all one property right now. So, if they needed space to move that Northern line over to capture whatever space they need, it's not going to take away the commercial. The right of way will still have to it's just going to go through your property, it's just a right of away.

Tim Corbet : It is important to note that the unused buildings that are on that property. We are considering making the one building that is on the end of community center. So that building that is there. So that building, there would be a community center, and just behind it would be a recreation area. Right there has the old paint shop storage facility there. So, that the Council can consider that in what we're talking about here. That is something that we are planning on making a reality here for Leeds.

Commissioner Roberts: if it is separate, that's a real a relatively potential thing. If it is not separate, if it bridges over and picks up into the septic from what used to be a motel there, that becomes a problem.

Traci Fieldsted: It is my understanding that that property was residential before 2008.

Commissioner Roberts: Correct, it was.

Chairman Swenson: And if you needed to move the northern lot line, you have space to move into the commercial If it's all one property right now. So, if they needed space to move that Northern line over to capture whatever space they need, it's not going to take away the commercial?

Commissioner Roberts: That width was established for what Don Fuller had proposed for that development, which was some RV parking and things like that. That's why you see it configured the way it is. That is described on the title of your property. That could be adjusted, it is just there WILL be access to that property that's behind you.

Chairman Swenson: unless you bought that upper triangle.

Commissioner Roberts: Well, they do own another piece besides that. You own the 10 acres. But you don't own that triangle.

Chairman Swenson: That's the key. If you had to triangle, then you could do away with the easement.

Commissioner Roberts: No, not really This is where the town's got to pay attention. They own the 10-acre piece above. There's not a road established right now to it, not even an easement. So, it has the potential of being landlocked. It's not because the same owner owns it. But if they turned around and sold that 10 acres. Say somebody came into the town says, look, I want to do something with the back part. That's where municipalities really need to pay attention on not causing landlocked properties. It was all owned by Don fuller one time.

Tim Corbett: I was just thinking to regards to the Kennedy situation that you were just talking about with that landlocked piece of property there. So, all right, cool. Thank you very much. Appreciate it.

Commissioner Roberts: So that would be a normal zone change application, okay. If it doesn't require a property line adjustment or something like that, but you truly would have to be surveyed to know does this fit within the R-R-20. If it does, get its own change application and run it through the process.

Chairman Swenson: Scott we Discussion more on the building permit process adjustment, clarifications wording,

Scott Messel: I can tell you that since our last meeting, I am going through all I was hoping to have them tonight to show you but I'm going through all of our land use and building permit application. I am putting them all in the same formats. They've been created over time and adjustments have been made over time. There's not a standard. They all have different fonts you can on some of them see the cut and paste that have happened. And so just going through and I'm going to come back with it.

Chairman Swenson: It is more difficult to because we don't have a building and safety department so you can't just shuffle from one division to another division for approvals.

Scott Messel: I'm working on improving the applications. I'll bring them back. And you guys, can we call bleed all over. So, eat them up.

Chairman Swenson: Aseneth, we had a pretty big discussion about a number of things. The environmental health and so on, if you had any other experience since our discussion.

Aseneth Steed: No. Not regarding the septic situation. I think awareness was definitely heightened.

Scott Messel: It is all going to be addressed.

Chairman Swenson: Mark, so big changes as I read through this the other day. I had just a couple of questions. We still have talk about being larger than a quarter acre or more of land. Correct?

Commissioner Rosenthal: There was discussion from Town Council about being one

quarter acre is the minimum to trigger the dust mitigation.

Chairman Swenson: Correct. So, here's my question. Is it a quarter acre of disturbed land? Or is it the entire property that keys it? In other words, if I've got five acres and I want to disturb it. I want to move dirt around for whatever retaining wall or pool or even just put in a septic system, because I have five acres and my hole is very small. So, what is the key here? Is it to five acres key in it or is a quarter acre of disturbed land?

Commissioner Rosenthal: Quarter acre disturbed

Chairman Swenson: All right. I'm not sure if I caught that out of this. So, activity upon one quarter acre or more of land. Okay. Now that I know that clarifies that a little bit. So, it's the disturb land, not the size of the property

Commissioner Hadley: There's a question I had on this. And I can't find right now but it said I was wondering about a person who wants to get rid of weeds. They run a tractor across it to till out the weeds. Is that considered disturbed land if it's less than a quarter of an acre.

Commissioner Rosenthal: So again, the trigger for this is when individual property owner, contractor company comes into town to secure a building permit. So, anything that has to do with agriculture is not covered by this, it's explicitly excluded from this in state law. If you're addressing weeds on your property, then you're not going to be looking to get a building permit so this would not apply.

So, it only applies if you're getting a building permit. So, the other thing that I remember, you talked about demolition someplace, right. If somebody's going to demo house and whatnot, they're going to disturb it for dust. I don't think there's any mention and I'm surprised. Why do we not want to mitigate asbestos and lead based stuff before the demolition done talking about that? Is there any kind of state requirements?

Commissioner Rosenthal: I am not aware? There are state requirements at places around the country?

Chairman Swenson: Well, because I tell you what, the demo of a house is going to disturb a lot more asbestos in this town than it is dust. All every how old houses asbestos roofing, siding, lead based paint, and there's going to be a little bit of dust. So, I'm, I think we need to check on that. I don't I don't know what the state requirement is. But we probably should.

Commissioner Roberts: There are state requirements for that.

Chairman Swenson: I was in charge of fire burns and teaching agencies all over the country. So, in California, I had to do all that mitigation before it's California, though. Right. But that's a pretty big hazard in this little this old town. There's a lot of it.

Commissioner Rosenthal: Does Scott or anyone else on the know?

Scott Messel: I would be part of your demolition permit or building permit. If they're tearing down and building, you may want to have water out there to keep dust down.

Commissioner Roberts: I have to assume that the original intent was looking at fugitive dust from construction not destruction, Danny I am not saying that that isn't a component of it, because there is going to be a difference between a demolition

application and a building.

Chairman Swenson: Well, I understand that, but he got into blasting and then he put into another section on demolition of houses and buildings. So, if that is required to be in there, fine. If it's not, well, it's not fine. Because it is a hazard.

Commissioner Roberts: What I wouldn't want to get involved in is its hazardous abatement in the fugitive dust portion of it, it needs to be handled separately.

Chairman Swenson: I would agree. If you want to try to keep it just dust and then we have to look at that other entity has different I would agree. But you can't have it in there. You'd have to take it out and stay with dust and look at it as different entity, but you cannot have it in there and not address it.

Commissioner Roberts: Well, you can have the dust in there. What's containing the dust? I can take you up on that sale mining's and if someone's do an excavating on that they're not they're not removing a house, they're not in a demolition, but the mine tailings could have potential of things. The permit that would allow that needs to be specific for what the scope of work is being done.

Chairman Swenson: What I'm saying, though, this specifically has a section for demolition homes. So, we probably want to keep that a separate entity and look into that, or we take it out.

Commissioner Roberts: I think you can deal with that for fugitive dust, what you have to look at is if you're going beyond fugitive dust, what's contained in that dust, then that has to be within your permit portion of it. This just says you're going to deal with the dust. I don't know what's in that dust, I don't care what's in that dust from this document, I care that you're going to abate that dust, whether it's demolition, whether it's construction, and whether it's some kind of mining, you're going to mitigate that dust. What's in that dust has to come through the application or the or the permit that says, well, here's what I want to do. Okay, exactly, I see what you want to do. Now you know that you're going to have to mitigate dust. But oh, this is some mine tailings. Do you know what's entailed in that? No, you're going to have to get a GAO report that tells us what's in there, because that's what we're going to require you to mitigate that dust. That process could be different, depending on what it contains.

Chairman Swenson: And it needs to be needs to state some of that in here. That there needs to be testing of the environment. We've discussed that you can't just leave it up to a contractor.

Commissioner Roberts: I wouldn't put that portion in my permit part that the permit specifically says if I build the house, I don't need to deal with the stuff on the demolition. Let the demolition permit, deal with the demolition, let my construction permit deal with my construct.

Chairman Swenson: This is the beginning before the permit.

Commissioner Roberts: That is a general for dust mitigation. Whatever's contained in the dust has to be part of the permit. That was the way I would approach it. That's just my suggestion.

Scott Messel: if it's for a gravel pit,

Chairman Swenson: So, we have to address that in this document.

Scott Messel: We could call it out in here, you say that needs to be handled at the time. You know, when the gravel pit comes in, you need to say you need to address hay, you either need to pave the road, or and you need to do dust mitigation and determine what that dust mitigation is.

Chairman Swenson: If it's not stated in here's I'm going to get done.
Mark, I know it's way more than you intended at the beginning, but it's actually looks really good. It does. It looks it's come a long ways. If I wasn't familiar with the aspects of what I brought up, I would miss it and I think other people would, but we're talking about our little town. And I'm telling you this whole town is full of it. Full of asbestos will lead bass. We'll have a permit for this.

Commissioner Roberts: Oh, absolutely. Yeah, the town needs to develop a permit. When you're talking to demolition, if someone wants to do some type of open pit mining and or some other substantial excavating. Yeah, there needs to be a permit for those that specifically ties in the requirements.

Chairman Swenson: And Mark, I understand where you're coming from, because I had to write this for burn buildings for the state of California and other fire departments, I had to do this whole thing in a big booklet just for burns. So, it's a process. I feel for you. You've opened it up for any hazard. And so, I appreciate it.

Commissioner Rosenthal: asked to get it Added as an agenda item for a public hearing on the next Planning Commission meeting. Chair agreed.

Don Fawson: Quickly, I just wanted to mention, I go back to this underpass over here.

Chairman: Through Prisbrey's property.

Dan Fawson: basically, what happened was the state's not going to build something under the freeway to go into private property and end. It doesn't make any sense.

Commissioner Roberts: I can clarify the history of that.

Dan Fawson: I can tell you the history. And that's why I came up here is basically I know that there was a member of the City Council who owned that property at the time, claimed it was a hazard because you couldn't see as you go under there had the city drop it off because they were afraid of a lawsuit. They shut it off. They sold the property then as one piece. So, it was basically to benefit the property owner at that time. And the concern that I have right now is that that may be a at least one of the solutions to this idea of and another exit as things begin to build. And I understand that it would be it would be an awful experience going through that eminent domain but that was is a city road. Up until that time.

Commissioner Roberts: It was a city road, or it was used for public purpose. Terry Prisbrey piggybacked a lawsuit on with the LDS church, which found in favor of the LDS church when it comes to accesses that went across private properties that were not used within a specific period of time. The courts have granted him the right that that was not a public right of way. The town had the option to look at eminent domain, and it was considered. But instead, we made an adjustment and allowed for utility easement that went on the edge of his property over and would go underneath the overpass there for public utilities.

Don Fawson: Yeah, so basically, the town council had shut it off. It sat for a period of time. Long enough, I guess, for the court to decide that it wasn't being used because it had been used all of the time.

Chairman Swenson: Obviously, it wasn't a designated ease.

Don Fawson: Well, I don't know that that was the case. But all I'm saying is, I'm not trying to push this. I'm just trying to give you an idea of maybe what happened and as an option, perhaps in the future to try to mitigate that and obviously, hopefully compensation to Mr. Frisbee or whoever owns the land at that period of time. But I don't think it should be some of it's just written off.

Commissioner Roberts: Well, the only avenue that the municipality has now is you would have to take it by eminent domain, and you're going to have to show just reason for that.

Chairman Swenson: If he didn't voluntarily work it. The other sides not a problem. Don't try to run to the road.

Commissioner Roberts: No. The other side is a problem. Scott, that's not a dedicated right of way. On the other side, it is not a dedicated right of way. When you go underneath that current underpass that roads there, it serves residential properties. But it has not been dedicated. So, it there is a problem.

Dan Fawson: The point is again I'm not pushing it. I'm just trying to bring it out and create understand that there are some issues involved. Again, the road on the other side was used just as the same as the road on this side. It was continued from the time the freeway was made.

Commissioner Roberts: Yes. It was

Don Fawson: And it was an unfortunate situation that created it. I was the fire chief at the time. I had no idea what the town was doing. All of a sudden, we came down there one day, and there's it's blocked off.

Commissioner Roberts: Well, I can tell you, the town officials at the time elected not to pull the trigger on eminent domain.

Don Fawson: Well, I understand what I'm saying is before they blocked it off, it was just it was kind of constantly utilized. I don't think there could have been anybody that could have bought that.

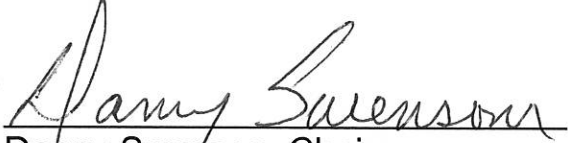
Chairman Swenson: Was the bridge in then It's been ever since then. Because you see those you see those ranch accesses all up and down the state? You know, where you can go from this property or that property? Because you're miles away from another road? That's basically what it is.

Don Fawson: Anyway, just a thought. That was it.

10. Staff Reports: None

11. Adjournment 9:49

APPROVED ON THIS FOURTH DAY OF MAY 2022



Danny Swenson, Chairman

ATTEST:



Aseneth Steed, Town Clerk/Recorder